

THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MONTEBELLO WAS HELD ON WEDNESDAY, OCTOBER 15, 2008 AT THE VILLAGE HALL. THE MEETING WAS CALLED TO ORDER AT 8:06 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Jeffrey Oppenheim	Mayor
	Lance Millman	Deputy Mayor
	Steven Sorrillo	Trustee
	Marc Citrin	Trustee
	Stacy Caridi	Trustee
	Warren Berbit	Village Attorney

Recording Secretary, Debra Mastroeni, Village Clerk/ Treasurer

Mayor's Report:

Deputy Mayor Millman gave an update on Montebello Day which will be held this Saturday from noon until 4 p.m. noting that it should be a lot of fun. Various food establishments are donating this year. Two local bands will be playing music, there will be a fast ball pitch game for the kids, blood pressure screening for adults. All is going according to plan.

Trustee Sorrillo gave an update on the construction work at the Community Center. Contractors are completing the construction of the dais and will begin the renovations for the bathrooms and kitchen area next week. The painting will take place shortly thereafter. Mayor Oppenheim noted that although the dais looks big, the desktop was make larger to accommodate plans and the dais meets ADA standards.

At last month's meeting the Board approved authorizing the Mayor to submit an application to become a Tree City. The Foundation has asked the Village to hold the application until January of next year. In addition, the Mayor stated that we are still waiting for a response from our CLG application for funding to perform a historic survey evaluation.

Mayor Oppenheim acknowledged receipt of the Traffic Engineer's Report on the intersection of Robin Hood and East Mayer. Mr. Lampert is recommending a Yield Sign rather than a Stop Sign.

The Mayor then spoke about the illegal signs in the Indian Rock Shopping Center, including mentioning recent articles in the newspaper and reports on television regarding a political banner. The shopping center presently has numerous violations regarding signage. The approved site plan does not allow the signs that are being displayed. This

has been a long standing issue and the property representative is back before the Planning Board trying to resolve this matter.

Mayor Oppenheim thanked Skip Vezzetti, Superintendent of the Rockland County Highway Department for a job well done on paving Montebello Road and noted that he will be pushing for the paving of Viola Road as well.

The third quarter newsletter has been mailed and is also on the website if it was not received.

The sewers in Montebello Pines have been dedicated to the Town of Ramapo. The Village will be in contact with JMK to get back to negotiations for dedication of the roads and parkland.

Mayor Oppenheim updated the Board members on some ongoing matters: Eagle Scout, Dakota Starkey has begun the fire hydrant emblem project; the Village Clerk/Treasurer met with Perfect Cut over the holiday weekend to go over the trees to be trimmed and branches to be removed as part of the barter deal the Village Attorney negotiated. The licensed tree cutters are posted on the Village website.

The Mayor announced that he has submitted an application to the Historic Preservation Commission for Village Hall to be designated as a historic landmark. The HPC will hold a public hearing on October 22nd at 7 p.m. to consider this matter.

The next agenda item was a Public Hearing on a proposed local law entitled: Establishing Interim Zoning Provisions Pending Consideration and Adoption of a Revised Comprehensive Development Plan.

The Village Clerk/Treasurer read the legal notice into the record:

“PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Montebello on Wednesday, October 15, 2008 at 8:00 p.m. or as soon thereafter as the matter can be heard at the Village Hall, One Montebello Road, Montebello, N.Y. 10901, to consider a Local Law for the purpose of amending the Zoning Law as appearing in Chapter 195 of the Code of the Village of Montebello to establish a moratorium by virtue of interim zoning provisions pending the consideration and adoption of a revised Comprehensive Development Plan, and of implementing legislation for the Village of Montebello. Said interim regulations would begin on the effective date of the Local Law, and for the period ending no later than May 1, 2009, unless extended by the Village Board for good cause after a public hearing, or sooner if the process is sooner completed.

During the above period the Planning Board shall not consider any application with respect to subdivision approval and/or site plan approval of any parcel or parcels of property located wholly or partly within the Village of Montebello, and the Zoning Board

of Appeals shall not consider any application for a use variance for any parcel or parcels of property located wholly or partly within the Village of Montebello.

The following are excepted from the moratorium controls to be established herein:

a. Any project for which pursuant to the New York State Environmental Quality Review Act and its implementing regulations, a negative declaration was adopted by the Planning Board or Zoning Board of Appeals, as the case may be, on or before November 1, 2008, or which is determined to be a Type II action.

b. Any application to alter or adjust existing lot lines between parcels located in a residential zoning district which (i) are actually used as a residential parcels or (ii) are vacant parcels, provided that there is no increase in the number of parcels as a result of such alteration or adjustment and provided, further, that all such resulting parcels conform to all requirements of the Zoning Code.

The Zoning Board of Appeals shall hear and determine any application for an interpretation and/or variance from the controls hereby enacted because of unreasonable hardship which may be encountered by a property owner as a result of the effect of this Local Law.

The proposed local law should be read in its entirety with respect to Conflict with State Law, Severance, Judicial Review and Effective Date.

All members of the public and all interested parties are invited to attend and participate. The proposed Local Law will be available for inspection and review at the Village Office during normal working hours, Monday through Friday, 9:00 a.m. to 4:00 p.m.”

The Village Attorney confirmed with the Village Clerk/Treasurer that the legal notice was published on October 5, 2008 and posted on October 4, 2008 and the proposed law was made available to the Board members and the public as required by law.

The Village Attorney asked if any documents pertaining to the proposed local law have been received?

The Village Clerk responded that several documents have been received and the following read into the record:

GML Review from the County of Rockland Department of Planning dated October 14, 2008: “Approve – we concur with the Village’s decision to establish a six-month moratorium on subdivision, site plan and use variance applications while they review and update their Comprehensive Development Plan.”

Memorandum from the Planning Consultant, Robert Geneslaw, dated October 13, 2008 regarding SEQRA: “The SEQRA regulations, 617.5©(30) identifies the “adoption of a

moratorium on land development or construction” as a Type 2 action. No environmental review is necessary.”

Memorandum from the Planning Consultant, Robert Geneslaw, dated October 13 and 15, 2008, recommendations: “we suggest that Section 2. Moratorium include special permits as subject to the moratorium; we suggest that Section 3. Exceptions include in subparagraph a. Findings Statements as well as Negative Declarations. The Findings Statement is the end point of the environmental review process when a Draft and Final Environmental Impact Statement have been prepared; we suggest that Section 4. Appeals refer to the Village Board rather than the Board of Appeals, as the Village Board has a greater degree of legislative discretion in reviewing a request for relief (which we would phrase as a “waiver” or similar to avoid confusion with the variance test usually applied by a Board of Appeals). We have found that moratoria are very helpful to a community when conducting a Comprehensive Plan study for several reasons:

- It allows a community to focus on formulating proposals for vacant or underdeveloped areas without the distraction of reviewing new development proposals at the same time.
- It eliminates the potential of developers and property owners submitting development applications in order to gain an approval under present zoning, where they fear a change of zone that would reduce development potential.

It is also important to include a determination of those properties already in the review process that should be allowed to proceed, since applicants have already expended funds and time processing an application under present zoning. The proposed local law includes such a provision when there may be unique circumstances.”

The proposed local law also includes an appeals process to allow for consideration of a waiver of the moratorium in individual situations where there may be unique circumstances.

The Village Attorney informed the Board that after further discussion with Mr. Geneslaw, he now prefers that the Zoning Board of Appeals rather than the Village Board hear appeals under the proposed law.

The Board members discussed the appeals process and which Board would better serve that purpose as well as the effect on any pending Planning Board projects.

The Village Attorney explained that any application that has been fully submitted to the Planning Board Clerk and has completed a negative declaration for the Environmental Impact Statement or a Findings Statement can proceed with their project before the Board. As for the Zoning Board of Appeals, the moratorium is on use variances, not other types of variances.

At 8:37 p.m. Deputy Mayor Millman made a motion to open the Public Hearing, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

Public Comment:

Mel Berkowitz – 52 Milford Lane, Suffern – started to discuss holding a blood drive with Good Samaritan Hospital. Mayor Oppenheim explained to Mr. Berkowitz that this public comment period was for comments regarding the local law and he would be given an opportunity to speak later.

Tom Campbell – 21 River Road, Montebello – Chairman of the Comprehensive Plan Review Commission – implored the Board to enact the local law and establish the moratorium period to assist the Commission in fulfilling their responsibilities. He was pleased that there is a safety valve built into the law through the Appeals section to provide relief if warranted. Mr. Campbell is hopeful that the Commission will complete its review within the time frame.

Richard Ellsworth, Esq. – representing Novartis Pharmaceutical – asked if the Comprehensive Plan Review Commission has been appointed and if so the names of the Commission members and will all of the Commission meetings be public?

Mayor Oppenheim responded that all of the meetings will be public and the Commission will hold public hearings as well, the meetings will be noticed in the newspaper. The Commission has not submitted a meeting schedule yet. The Mayor then provided the names of the Commission members: Lance Millman, Jane Burke, Rodney Gittens, Melanie Golden, Anthony Piazza, Sandra Ward and Thomas Campbell is the Chairman. Ira Emanuel, Deputy Village Attorney and Robert Geneslaw, Village Planning Consultant will assist the Commission, as will Martin Spence, the Village Engineer.

Mr. Ellsworth then asked if any recommendations have been made for the Commission to look at particular areas?

By implication, the answer was “no”.

No one else wishing to speak, at 8:44 p.m. Deputy Mayor Millman made a motion to close the Public Hearing, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

Resolution: 08-123

Village of Montebello

Title: Adoption of Local Law: Establishing Interim Zoning Provisions Pending Consideration and Adoption of a Revised Comprehensive Development Plan.

WHEREAS, a Public Hearing has been held to consider amending the Zoning Local Law, Section 195 of the Village Code, establishing zoning provisions pending the

consideration and adoption of a revised comprehensive development plan, and of implementing legislation; and

WHEREAS, the Village Attorney reported that due notice as required by law has been given as a consequence of publication, posting and mailings, and confirmation that the proposed amendment has been timely supplied to the Trustees and been made available for public inspection; and

WHEREAS, a Public Hearing was conducted on October 15, 2008 pursuant to a Resolution adopted by the Village Board on September 17, 2008; and

WHEREAS, all of the following were read into the record and duly considered:

1. Legal notice dated September 30, 2008 and Affidavit of Publication and Posting.
2. General Municipal Law review Section 239 notice letters.
3. Recommendation of the Planning Board dated October 15, 2008.
4. General Municipal Law review from the Rockland County Department of Planning dated October 14, 2008.
5. Implementing Resolution of the Village Board adopted September 17, 2008.
6. The proposed Local Law.
7. Memoranda from the Village Planner dated October 13, 2008 and October 15, 2008; and

WHEREAS, the Village Planner has advised through a Memorandum dated October 13, 2008, that the SEQRA regulations 617.5(c)(30) identifies the "adoption of a moratorium on land development or construction" as a Type 2 action, and no environmental review is necessary; and

WHEREAS, the Village Attorney and the Chairperson of the Comprehensive Development Plan Review Commission, Tom Campbell, made presentations to the Board; and

WHEREAS, all members of the public who wished to be heard were heard, including Richard Ellsworth, Esq., representing Novartis Pharmaceuticals and Thomas Campbell, Chairman of the Comprehensive Plan Review Commission and Planning Board Member, and the Board fully deliberated in public; and

WHEREAS, the Village Board previously determined that it was in the public interest to review the Comprehensive Development Plan and to revise same as deemed necessary and appropriate given the more than 5 years which has passed since adoption of the Plan; and

WHEREAS, the amendment helps to preserve the status quo by establishing a six (6) month moratorium to avoid the injudicious application for and granting of land use determinations process while the deliberative process of considering and adopting a revised Comprehensive Development Plan takes place, and such contains an appeal procedure to avoid undue hardship to land owner's in the interim, which all appears in the best interest of the Village and its citizens.

THEREFORE, BE IT RESOLVED, that said amendment as set forth in the proposed local law, with the following changes:

1. Add to Section 2 after "site plan approval" in the 4th line: "or special permit approval".
2. Add to Section 3.a. after "adopted" in the 2nd line: ", or the Findings Statement issued after an Environmental Impact Statement".
3. Add to Section 4 after "unreasonable hardship", : ", pendency of an application prior to enactment of this law being a factor to be considered,".

be and hereby is enacted, to become effective upon filing with the Secretary of State.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

There was discussion spearheaded by Trustee Citrin regarding concern for pending applications which led to change # 3 made to Section 4, as suggested by Mr. Berbit in reaction. There was also discussion regarding whether the Zoning Board of Appeals or the Village Board should handle the appeals as led by Deputy Mayor Millman, and also whether there should be a second level of appeal from the Zoning Board of Appeals to the Village Board. The Village Attorney recommended against this latter approach as being cumbersome and time consuming given the short period of the moratorium. The Board generally agreed that a moratorium was necessary, Mr. Campbell, Mr. Geneslaw (by memo), and Mr. Berbit having emphasized the desirability of same.

Upon vote, the Resolution carried unanimously.

Parks Commission Business:

Chairman Congionti announced the resignation of Parks Commissioner Peter Weiss. The Chairman has submitted the name of a resident who is interested in serving on the Commission to the Mayor.

Public Comment:

Mel Berkowitz – 52 Milford Lane, Suffern – is requesting to hang signs in the windows of the businesses at the Indian Rock Shopping Center. He states that he has completed the application provided for temporary signs, but he has not submitted it to the Village because he is concerned about the \$100 fee. He notes that this is voluntary on his part as a member of the Lions Club and that the Lions Club hangs signs for charity events in various stores and the process of obtaining sign permit approval from the Village is cumbersome. Mr. Berkowitz would like to put the signs up without paying the permit fee.

Mayor Oppenheim responded that everyone has to put up the fee, the checks are not cashed unless the signs are not removed. Regarding the Indian Rock Shopping Center, their site plan restricts window signs; they are presently before the Planning Board to try and resolve the sign issues. Mayor Oppenheim suggests that Mr. Berkowitz post his signs in the Kindercare Shopping Center without need of a permit.

Mr. Berkowitz thanked the Board for their time.

Resolution: 08-124

Village of Montebello

Title: Yield Sign-Robin Hood Road at E. Mayer Drive

WHEREAS, because of a serious accident at the intersection of Robin Hood Road and E. Mayer Drive the Mayor requested a traffic safety investigation be performed by Howard Lampert, P.E., Traffic and Highway Engineer Consultant; and

WHEREAS, Mr. Lampert issued a report dated September 29, 2008, referenced as if set forth herinafter, a true copy of which shall be appended to the Minutes hereof, stating that a Yield Sign is a legally appropriate sign to be installed at this T intersection.

THEREFORE, BE IT RESOLVED, in the interest of public safety, that a Yield Sign be installed on Robin Hood Road at its intersection with E. Mayer Drive by the Town of Ramapo Highway Department, the cost for same authorized to be expended for this purpose.

Motion: Deputy Mayor Millman

Second: Trustee Citrin

Upon vote, the Resolution carried unanimously.

Resolution: 08-125

Village of Montebello

Title: Accept Resignation of Parks Commission Member

WHEREAS, Peter Weiss has submitted a letter resigning as an alternate member of the Parks Commission effective, September 30, 2008.

THEREFORE, BE IT RESOLVED, that the resignation of Peter Weiss be accepted, effective September 30, 2008 and his seat on the Parks Commission be declared vacant.

BE IT FURTHER RESOLVED, that the Board of Trustees does hereby extend its gratitude to Mr. Weiss for his service as an alternate member of the Parks Commission.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Deputy Mayor Millman thanked Mr. Weiss for his service to our community.

Upon vote, the Resolution carried unanimously.

Resolution: 08-126

Village of Montebello

Title: Appointment of Ad Hoc Member to the Zoning Board of Appeals

WHEREAS, the ZBA Chairman requested that the vacant Ad-Hoc position be filled and the Mayor concurred; and

WHEREAS, on August 20, 2008 Kurt Scherwatzky was appointed as Ad Hoc Member to the Zoning Board of Appeals for a two year term to expire at the re-organizational meeting of April 2010; and.

WHEREAS, Mr. Scherwatzky has advised that he is unable to fulfill that commitment thus tendering his resignation effective immediately thereby creating a vacant Ad Hoc position; and

WHEREAS, Mayor Oppenheim recommends the appointment of Alice DiSanto as Ad Hoc Member to the Zoning Board of Appeals for a two year term to expire at the re-organizational meeting of April 2010.

THEREFORE, BE IT RESOLVED, that Alice DiSanto is hereby appointed as Ad Hoc Member to the Zoning Board of Appeals for a two year term to expire April 2010.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

The Board members thanked the Mayor for providing the resume of Ms. DiSanto. She will be an asset to the Board.

Upon vote, the Resolution carried unanimously.

Resolution: 08-127

Village of Montebello

Title: Appointment of Alternate Parks Commission Member

WHEREAS, the Parks Commission Chairman Robert Congioni has recommended that Robert Ullman residing at 2 Golf Course Drive, be appointed to fill the vacancy created by the resignation of Peter Weiss, as an alternate member on the Parks Commission for a term which expires April, 2009 and the Mayor concurs.

THEREFORE, BE IT RESOLVED, effective immediately, that Robert Ullman be appointed as an alternate member of the Parks Commission for a term to expire in April, 2009 or as soon thereafter as a successor may be appointed.

Motion: Deputy Mayor Millman

Second: Trustee Caridi

Mayor Oppenheim feels it is particularly important to have someone living in Montebello Pines on the Parks Commission. Mr. Congioni has spoken with Mr. Ullman and he is extremely interested and anxious, he has lots of ideas to contribute to the Pines Park.

Upon vote, the Resolution carried unanimously.

Resolution: 08-128

Village of Montebello

Title: Budget Adoption Schedule

BE IT RESOLVED, upon the recommendation of the Mayor and the Village Clerk/Treasurer in order to comply with the budget adoption process as set forth in the Village Law, as follows:

1. That a Special Meeting be held on Wednesday, October 29, 2008 at 8 p.m. to review the Mayor's proposed Budget for 2009

2. That the Regular Meeting scheduled for November 19, 2008 be changed to Wednesday, November 12, 2008, and that the Public Hearing on the Budget be held thereat commencing at 9 p.m..

Motion: Deputy Mayor Millman

Second: Trustee Sorrillo

Upon vote, the Resolution carried unanimously.

Resolution: 08-129

Village of Montebello

Title: Approval of Minutes

BE IT RESOLVED, the minutes of the Regular Meeting of the Board of Trustees of August 20, 2008 be and are hereby approved.

Motion: Trustee Citrin

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

Resolution: 08-130

Village of Montebello

Title: Approval of Abstract & Schedule of Claims

BE IT RESOLVED, the Abstract and Schedule of Claims dated October 15, 2008 and totaling \$ 112,428.56 are hereby approved and the claims listed thereon shall be paid.

Motion: Trustee Sorrillo

Second: Trustee Caridi

Upon vote, the Resolution carried unanimously.

The next agenda item was to discuss a proposal submitted by Joann Artale, a resident of Montebello, to hold art classes at the Community Center for children. Her proposal offers the Village a percentage of her earnings.

Although the Board members feel this is an interesting idea, they still need to develop a policy for use of the Community Center taking into consideration not for profit uses

versus for profit organizations. The Board members decided to table this proposal until they define the uses for the building and set a policy in place.

Public Comment:

Tom Campbell – 21 River Road – noted that he is involved in a local not for profit organization, Young Life, they would like to utilize space at the Community Center as well.

Old and New Business:

The Board members requested that the Village Clerk have the sprinkler system winterized.

Trustee Citrin requested that the Village Engineer contact United Water regarding its road opening for a valve cover at the intersection of Mile Road and Viola Road, severe depression that needs to be fixed properly.

Mayor Oppenheim advised that Mr. Tirschwell has not submitted any further paperwork from the last Board meeting regarding dedication for Coe Farm Road. Trustee Sorrillo informed the Board that they have been working on the catch basins the last two weeks.

Mayor Oppenheim distributed his proposed Budget for 2009 to the Board members.

Mayor Oppenheim acknowledged receipt of a letter of resignation from Building Inspector, Harry Lewis effective December 31st. The Mayor then spoke about how bittersweet it will be to see this WWII veteran retire, warmly stating what an extraordinary person Harry is. The Village will plan something special for Mr. Lewis.

Trustee Citrin requested that Mr. Lewis be allowed to keep his Building Inspector shield.

At 9:43 p.m. Deputy Mayor Millman made a motion to enter Executive Session to discuss ongoing litigation, seconded by Trustee Caridi. Upon vote, the motion carried unanimously.

At 10:18 p.m. Deputy Mayor Millman made a motion to exit Executive Session, seconded by Trustee Sorrillo. Upon vote, the motion carried unanimously.

Deputy Mayor Millman thanked all of the people involved in Montebello Day and all of the residents, businesses, restaurants that have made donations.

Trustee Citrin made a motion to adjourn, seconded by Deputy Mayor Millman. Upon vote, the motion carried unanimously. The meeting adjourned at 10:20 p.m.